

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

VICTOR MEDLOCKJR,

Plaintiff,

v.

ASA HUTCHINSON, ET AL.

Defendants.

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CIVIL ACTION NO. 5:17-CV-00108-RWS

ORDER

Plaintiff Victor Medlock Jr., proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 alleging violations of his constitutional rights. Plaintiff's allegations arise from an incident in which another prisoner named Magness allegedly threatened him with a padlock. Docket No. 11. Plaintiff asserts that jail officials failed to act appropriately and showed deliberate indifference to his safety. *Id.* This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. Defendants Bowie County Correctional Center Warden Robert Page, LaSalle Southwest Corrections Director Robert Cooper, Officer C.O. Garrett, Sgt. Mendoza, Lt. Benett, Sgt. Sumner, Captain Walker and Major Eric Nelson filed a Motion for Summary Judgment (Docket No. 31), to which Plaintiff did not respond.

After reviewing the pleadings, the Magistrate Judge issued a Report and Recommendation (Docket No. 34) recommending that the Motion for Summary Judgment (Docket No. 31) be granted and the lawsuit dismissed. Plaintiff received a copy of this Report on February 15, 2019 (Docket No. 35) but filed no objections. Accordingly, Plaintiff is barred from *de novo* review by

the District Judge of the Magistrate Judge's findings, conclusions, and recommendations. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc). Plaintiff is further barred, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Id.*

Having reviewed the record in this cause and the Report of the Magistrate Judge, the Court finds no clear error, abuse of discretion or error of law in the Magistrate Judge's findings, conclusions and recommendations in the Report. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is therefore

ORDERED that the Report of the Magistrate Judge (Docket No. 34) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that Defendants' Motion for Summary Judgment (Docket No. 31) is **GRANTED** and the above civil action is **DISMISSED WITH PREJUDICE**.

SIGNED this 13th day of March, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE